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MEMO ENDORSED

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January 3, 2020

VIA ECF AND HAND DELIVERY

Hon. Richard J. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
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Re: United States v. Owens, et al., 18 Cr. 693 (RMB)

Dear Judge Berman:

We write respectfully on behalf of Defendants Harald Joachim von der Goltz and Richard Gaffey to request an adjournment of the appearance scheduled for Monday, January 6, 2020 to a date in the week of January 27. This is the first request for an adjournment of the January 6 appearance, and the government consents to this request.

Based on the information on the docket, it appears the agenda for the appearance is (1) a final pretrial conference; (2) oral argument on Mr. Gaffey's motion to dismiss count 10 of the Sixth Superseding Indictment; and (3) arraignment of Mr. Gaffey and Mr. von der Goltz on the Sixth Superseding Indictment. First, in light of the Court's adjournment of trial from January 9 to March 9, we respectfully submit that the Court and the parties could be better served with a pretrial conference closer to the trial date. Second, given that briefing on Mr. Gaffey's motion to dismiss is not yet complete, holding oral argument on Monday would give the Court less than one business day to review the written submissions. Finally, there does not appear to be a clear need to arraign Mr. von der Goltz and Mr. Gaffey on the Sixth Superseding Indictment on Monday as opposed to a later date—indeed, after the grand jury returned the Fifth Superseding Indictment, the government requested that arraignment be held more than six weeks later. *See* Dkt. No. 145.

Both Mr. von der Goltz and Mr. Gaffey, as well as their lead counsel, live out of state, requiring travel and often lodging expenses for all four of them to attend Court appearances. Because an adjournment of the final pretrial conference and oral argument on Mr. Gaffey's motion to dismiss will enable the Court and the parties to raise and resolve issues more efficiently, and because there does not appear to be any urgency to holding an arraignment, we respectfully request that the Court adjourn Monday's appearance to the week of January 27,

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2020. Of course, both Mr. von der Goltz and Mr. Gaffey would consent to the exclusion of time under 18 U.S.C. § 3161.

Respectfully submitted,

/s/ William Burck
William Burck

cc: All counsel of record (by ECF)

